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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 HAROLD E. MONTAGUE,

Case No. 2:16-cv-01680-JAD-CWH

10 Plaintiff,

ORDER

11 v.

12 MR. JACKSON, *et al.*,

13 Defendants.
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15 **I. DISCUSSION**

16 On April 26, 2018, the Court issued a screening order (ECF No. 9) in which it
17 screened the first amended complaint. In that screening order, the Court determined that
18 some claims would proceed. (*Id.* at 7). The Court also ordered this action to be stayed
19 until July 25, 2018 to allow the parties an opportunity to engage in mediation and settle
20 their dispute. (*Id.*) The Court specifically stated that, during the 90-day stay, “no other
21 pleadings or papers may be filed in this case.” (*Id.*) Despite this order, on May 23, 2018,
22 Plaintiff filed a “third amended complaint.”¹ (ECF No. 11).

23 On May 30, 2018, the Court issued an order in which it gave Plaintiff an opportunity
24 to decide whether he wished: 1) to go forward with the first amended complaint and the
25 mediation on the first amended complaint as ordered in this Court’s April 26, 2018 order;
26 or 2) to abandon the first amended complaint and the ordered mediation and instead
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28 ¹ Although Plaintiff identified this complaint as a “third amended complaint,” there is no second amended complaint.

1 have the Court screen the third amended complaint filed on May 23, 2018. (ECF No. 12).
2 Plaintiff has now notified the Court that he chooses to go forward with the first amended
3 complaint and the mediation. (ECF No.13).

4 The case therefore will be scheduled for mediation. If mediation is scheduled after
5 the July 25, 2018 deadline for the stay, both the deadline for the stay and the deadline for
6 the Attorney General to file its status report will be extended until two days after the
7 mediation.

8 **II. CONCLUSION**

9 For the foregoing reasons, IT IS ORDERED that this case is referred to the Inmate
10 Early Mediation Program and the court will enter a subsequent order scheduling the
11 mediation.

12 IT IS FURTHER ORDERED that, if mediation is scheduled after the July 25, 2018
13 deadline for the stay, both the deadline for the stay and the deadline for the Attorney
14 General to file the status report will be extended until two days after the mediation.

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16 DATED THIS 19 day of June 2018.

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19 UNITED STATES MAGISTRATE JUDGE
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